IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.902 OF 2005
IN
WRIT PETITION NO.2680 OF 2004

Haldyn Glass Works .. Appellant
V/s
Maharashtra General Kamgar Union .. Respondent

Mr.J.P.Cama, Sr.Advocate with Mr.V.P.Vaidya for the Appellant.

Mr.N.M.Ganguli for the Respondent.

CORAM: DR.S.RADHAKRISHNAN &
S.C.DHARMADHIKARI, JJ.

DATE : 21.10.2005.

P.C.:

1. Heard the learned Counsel for the parties. By this Appeal, the Appellant is challenging the order dated 3.12.2004 passed in Writ Petitiion No.2680 of 2004 whereby the learned Single Judge has set aside the Award passed by the Labour Court. After hearing the learned Counsel for the parties, we are not inclined to entertain this Appeal as the learned Single Judge has rightly observed that the Reference is of the year 1988 and that 16 years have passed since the reference was made and even then the reference was not heard on merits till date. Under these circumstances, we are not inclined to entertain this Appeal. Appeal therefore stands dismissed.

2. We however direct the learned Labour Court to dispose of all the ten References on their own merits preferrably within a period of eight months from today.

3. The learned Counsel for the Appellant fairly states that the issue of jurisdiction and maintainability of the references will not be raised before the Labour Court, and the matters will be argued on merits.

4. We make it clear that in the event the Appellant looses the matter before the Labour Court and approaches the High Court by way of a Writ Petition, the Appellant will be permitted to raise the issue of jurisdiction also. In such an event the learned Single Judge taking up the matter will not be influenced by the observations made by the learned Single Judge in the order dated 3.12.2004 passed in Writ Petition No.2680 of 2004.

(DR.S.RADHAKRISHNAN, J.)

(S.C.DHARMADHIKARI, J.)